

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

21-cr-154 (JGK)

JAMES JEREMY BARBERA,

ORDER

Defendant.

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JOHN G. KOELTL, District Judge:

In response to the defendant's November 15, 2022 letter (ECF No. 163), the Court will accept the additional letters in support of the defendant.

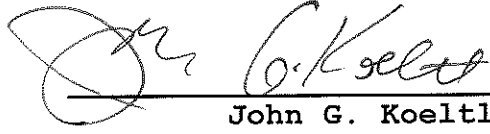
The Court will allow the defendant to present the testimony and the exhibit relating to Blu Biotech that are described in the November 15, 2022 letter, ECF No. 163 at 1-3, but it is not clear how any of that evidence is helpful to the defendant. The development of the device appears to be different from the device at issue in this case, and it was developed after the alleged fraud in this case. Moreover, it appears that some investors simply had their investments in Nanobeak transferred into Blu Biotech. See Tr. at 298.

By November 18, 2022, the defendant should respond to the Government's request for forfeiture in the amount of \$8,413,375.

Both the government and the defendant should advise the Court if a Fatico hearing is necessary on any issue, and, if so, on what issue.

SO ORDERED.

Dated: New York, New York  
November 16, 2022

  
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John G. Koeltl  
United States District Judge